

## REMARKS

These remarks are responsive to the Office Action of December 3, 2008. Claims 37-43, 45, and 46-56 are pending in this application. Claims 47-56 are newly added. Claim 37 has been amended. Reconsideration and allowance of the instant application are respectfully requested. Each of the Examiner's rejections is addressed below.

### *Rejections Based on 35 U.S.C. § 103*

In paragraph 2 of the Office Action, claims 37-43 and 45-46 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,689,850 to Shekalim ("Shekalim") in view of JP 2002-10832 ("JP '832") in further view of JP2001-507360 ("JP '360"). Halm. This rejection is respectfully traversed.

Claim 37 has been amended to recite that the "cleaning head has a main body formed of a substantially rigid material" and that "each of the plurality of support structures comprising a beam of the substantially rigid material extending from the main body and enclosed in an elastic material." The prior art of record fails to teach or suggest such an arrangement of the support structures for the movable cleaning elements. Shekalim teaches an accessory device for use with a conventional toothbrush. There is no teaching in Shekalim that is relevant to the inventive cleaning element construction as now recited in claim 37.

While JP '832 does teach movable cleaning elements that are located within a support structure 2, these support structures are constructed entirely of elastic and are attached the main body 3 by utilizing a channel that receives the elastic material. *See e.g.*, JP '832 Fig. 6a-c. The construction of the support structures 2 (and their connection to the main body 3) is inferior to that as now claimed in amended claim 37 as the elastic material anchor method of JP '832 is susceptible to breaking and permanent deformation of the cleaning element pattern, even when not under force. By utilizing a beam of a rigid material enclosed by an elastomer material, as is claimed in claim 37, the rotatable movement of the third cleaning/treating elements is afforded while providing

a structural stable component that will maintain the integrity of the cleaning/treating element orientation over time.

The teachings of JP '360 do not teach or suggest the noted deficiencies and suffers form the same drawbacks as JP '832.

Claims 47-56 are newly added. *No new matter is added. Support for all amendments and new claims can be found in at least original figures 6-10 and in the specification at paragraphs [0094]-[0100].*

Accordingly, the rejection is overcome and should be withdrawn.

### CONCLUSION

It is respectfully submitted that this application is in condition for allowance. If any additional fees are required or if an overpayment has been made, the Commissioner is authorized to charge or credit Deposit Account No. 03-2455.

Respectfully submitted,  
*Eduardo Jimenez et al.*

Date: March 3, 2009



By: Amy M. Fernandez  
Reg. No.: 59,726  
COLGATE-PALMOLIVE COMPANY  
909 River Road; P.O. Box 1343  
Piscataway, NJ 08855-1343  
Telephone (732) 878-7556

AF/BB